



Wages Act 1986

1986 CHAPTER 48

PART II

WAGES COUNCILS

Wages orders

16 Effect and enforcement of wages orders

- (1) If, in the case of any worker to whom an order under section 14 applies, the amount of remuneration paid to the worker by his employer in respect of any week is less than the statutory minimum remuneration provided for him by the order in respect of that week, the worker shall be taken to be entitled under his contract to be paid the difference between those two amounts as additional remuneration in respect of that week.
- (2) Any employer who, in respect of any week, fails to pay any worker to whom an order under section 14 applies an amount of remuneration equal to, or exceeding, the statutory minimum remuneration provided for him by the order shall be guilty of an offence and liable on summary conviction to a fine not exceeding the third level on the standard scale.
- (3) Where proceedings are brought in respect of any offence under subsection (2) and the employer, or any other person charged as a person to whose act or default the offence was due, is found guilty of the offence, the court may (subject to subsection (5)) order the employer to pay to the worker the appropriate sum in respect of the week in relation to which the offence was committed, and (subject to subsections (5) and (6))—
 - (a) evidence may be given of any other failure on the part of the employer such as is mentioned in subsection (3) which occurred, in relation to any week falling within the period of two years ending with the date of the offence, in the case of the worker in relation to whom the offence was committed or in the case of any other worker employed by the employer; and
 - (b) on proof of any such failure the court may order the employer to pay to the worker or (as the case may be) to each of the workers in question

Status: This is the original version (as it was originally enacted).

the appropriate sum in respect of the week in relation to which the failure occurred.

- (4) In subsection (3) " the appropriate sum ", in relation to any worker, means such sum as is found by the court to represent the difference between the following amounts, namely—
- (a) the statutory minimum remuneration provided for the worker in respect of the week in question by the relevant order under section 14 ; and
 - (b) the amount of remuneration paid to the worker in respect of that week.
- (5) A court shall not make an order in the case of any time worker under subsection (3) in respect of any such offence or failure as is mentioned in that subsection if—
- (a) the offence was committed or the failure occurred in relation to a week forming part of a cycle of weeks (not exceeding four) during which the time worked by that worker in a week was different in different weeks ; and
 - (b) the total remuneration paid to that worker in respect of the total time worked by him during the cycle was not less than the aggregate of the statutory minimum remuneration provided for him by the relevant order under section 14 in respect of the time worked in the constituent weeks of the cycle.
- (6) Evidence of any such failure as is mentioned in subsection (3) may be given under that subsection only if notice of intention to adduce such evidence has been served with the summons or warrant.
- (7) The powers given by this section for the recovery of sums due from an employer to a worker shall not be in derogation of any right to recover such sums by civil proceedings.
- (8) Any reference in this section, in relation to a worker, to remuneration or statutory minimum remuneration in respect of a week shall be construed as a reference to remuneration or statutory minimum remuneration in respect of the following, namely—
- (a) in the case of a time worker, time worked by the worker in that week ; and
 - (b) in the case of a piece worker—
 - (i) work executed by the worker in that week, and
 - (ii) any such time as is mentioned in section 15(4) occurring during that week.
- (9) In the application of this section to Scotland—
- (a) in subsection (3), the words " , or any other person charged as a person to whose act or default the offence was due," shall be omitted ; and
 - (b) in subsection (6), for " summons or warrant" there shall be substituted " complaint " .